

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 23-cv-03440-EKL (SVK)

IN RE GOOGLE GENERATIVE AI
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ORDER RE 30(B)(6) DEPOSITION

Re: Dkt. Nos. 120, 127

Before the Court are the Parties' respective submissions regarding Plaintiffs' 30(b)(6) notice to Defendant for a 90-minute deposition covering 10 topics generally directed at Defendant's training data and purportedly necessary for class certification.¹ The Court has reviewed the submissions, the disputed deposition notice, proceedings before Judge Lee and relevant legal principles and determines that this matter may be resolved without oral argument. Civ. L.R. 7(b)-1.

Plaintiffs' request to compel the 30(b)(6) deposition is **DENIED without prejudice**. Plaintiffs' proposal for a 90-minute deposition is inconsistent with the vast array of topics identified in the notice or in the 10 "compromise" topics in the summary chart. Dkt. 120-2, Ex. A, C. Plaintiffs' request for an early deposition narrowly focused on training data to enable Plaintiff to negotiate with Defendant for the production of data sets proportional to the needs of the litigation may be well-founded. But the disputed 30(b)(6) notice does not fit the bill. Not only are the numerous topics identified in relatively vague, general terms ("Training Data," "Code Base

¹ Should the Court receive another request for the filing of separate statements in contravention of this Court's Standing Order on Civil Discovery, it will address the Parties' lack of good faith cooperation at in-person hearing.

Information,” “Fair Use Analysis”), but Plaintiffs neglect to link the topics to issues of class certification in any meaningful way. The notice, as drafted, is unreasonable in length and scope and fails to conform to Judge Lee’s directive regarding discovery focused on class certification. With the Court’s admonitions in mind, Plaintiffs may try again.

SO ORDERED.

Dated: May 8, 2025


SUSAN VAN KEULEN
United States Magistrate Judge